

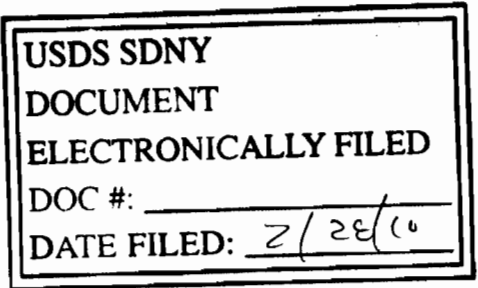
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.



No. 05 Cr. 621 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Clerk of the Court is respectfully directed to docket the attached letter.

Dated: February 25, 2010
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 25, 2010

By E-Mail

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Alberto Vilar,
S3 05 Cr. 621 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this letter in response to the Court's February 23, 2010 Order directing the Government to state its view of whether Vilar qualifies for in forma pauperis status.

The Government currently does not have any information that contradicts Vilar's sworn assertion that he is unable to pay the costs associated with an appeal of his conviction and sentencing. In the absence of any such information, the Government currently believes that Vilar qualifies for in forma pauperis status. The Government notes that Vilar's affidavit failed to include as creditors the victims of the GFRDA fraud to whom he had personally guaranteed their millions of dollars of investments.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: _____

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Benjamin Naftalis
Assistant United States Attorneys
(212) 637-2295/2456

cc: Jonathan Marks, Esq. (by email)